

CASE NO. 2:11cv04

Defendants.

ORDER

Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4th Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997),

certiorari denied 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28 U.S.C. §1447(c)("If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded."). A limited liability company is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The plaintiffs have not disclosed in their Complaint whether its constituent members or partners are citizens of the state of South Carolina. Jurisdiction in this matter is alleged to be based upon diversity and if the parties are not in fact diverse, then the court would not have jurisdiction.

IT IS, THEREFORE, ORDERED that on or before April 10, 2011, the plaintiffs shall file a response disclosing the names and citizenships, if any, of all its constituent members or partners of Old Edwards Inn and Spa, LLC, and, for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: March 23, 2011

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Dennis L. Howell
United States Magistrate Judge

